IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11942 of 2005

Between:

1. Sri M.Shiva Kumar, S/o.M.Lakshmaiah,
   R/o.Kottapalli Village, Sankarpally Mandal,
   RR District.
2. Mohd. Jakeer S/o.Mahaboob Sahab
   R/o.Kottapally village, Shankerpally Mandal, RR District.

..... PETITIONERS

AND

1 The District Collector, Ranga Reddy District at Saifabad. Hyderabad.
2 The Revenue Divisional officer, Chevella Division at Attapur village, Rajendranagar Mandal, R.R.District.
3 The Joint Collector-II, RR District at Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus and set-aside the orders of the R3 herein in case No.A5/746/2004 dt.11-4-2005 and pass such other order or orders in the circumstances of the case.

Counsel for the Petitioner: MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

Oral order:-

For Kottapalli village, Sankarpally Mandal, Ranga Reddy district, the 2nd respondent issued a notification in August, 2004 for appointment of a Fair Price Shop dealer. The petitioners and others applied pursuant to the notification and one Smt. M. Nagamani was selected for appointment and authorization. Aggrieved, the petitioners preferred an appeal to the 3rd respondent. By the order dated 11-04-2005, the 3rd respondent, on the basis of a report of the Mandal Revenue Officer concerned that Smt. Nagamani was not a resident of Kottapalli village, came to the appellate conclusion that the 2nd respondent had arrived at a wrong conclusion regarding the eligibility of Smt. Nagamani on the aspect of eligibility and accordingly set aside the selection of Smt. Nagamani. The 3rd respondent directed the 2nd respondent to cancel the authorization of Smt. Nagamani and issue a fresh notification to fill up the vacancy in accordance with the due procedure. Aggrieved by that part of the appellate order, which directed issuance of a fresh notification; and contending that on the basis of the earlier notification of August, 2004 itself, the selections should be re-considered, the petitioners though having succeeded in the appeal before the 3rd respondent, preferred a revision to the 1st respondent. Along with revision, they filed an application for interim stay of the aggrieved portion of the 3rd respondent's order. The revision was filed on 20-04-2005. Even before the 1st respondent considered the interlocutory applications of the petitioners above, the 2nd respondent is proceeding with the fresh notification and selection is the grievance in this writ petition.

In the circumstances having heard the learned counsel for the petitioners and the learned Government Pleader for Civil Supplies, the writ petition is disposed of

directing the 1st respondent to consider and dispose of the applications of the petitioners for grant of stay filed along with their revision petition on 20-04-2005 expeditiously and in any event within one week from the date of receipt of a copy of this order. Till the disposal of the stay application by the 1st respondent, the 2nd respondent is directed not to proceed further with the selections pursuant to a fresh notification as directed in the 3rd respondent's appellate order. The 2nd respondent may proceed with the selection, if 1st respondent declines grant of interim relief in the petitioners' revision petition.

The writ petition is, accordingly, dismissed. No costs.

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GODA RAGHURAM, J

Dt. 09-06-2005

Pvks/*

To

1 The District Collector, Ranga Reddy District at Saifabad. Hyderabad.
2 The Revenue Divisional officer, Chevella Division at Attapur village, Rajendranagar Mandal, R.R.District.
3 The Joint Collector-II, RR District at Saifabad, Hyderabad.

4. 2 CC to the Government Pleader for Civil Supplies, A.P. High Court Buildings, Hyderabad.

5. 2 CD copies

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